



# Department of Justice

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## **SIXTH CIRCUIT COURT GRANTS APPEAL OF JUSTICE DEPARTMENT AND COMMONWEALTH OF KENTUCKY**

### ***Appeals Court Sends Government Challenge to Dairy Merger Back for Trial***

WASHINGTON, D.C. – Thomas O. Barnett, Acting Assistant Attorney General in charge of the Department's Antitrust Division, issued the following statement today after the U.S. Court of Appeals for the Sixth Circuit reversed a district court decision that would have dismissed an antitrust challenge to the merger of two Kentucky dairies in *United States of America and Commonwealth of Kentucky v. Dairy Farmers of America Inc. and Southern Belle Dairy Co. LLC*:

"We are pleased with the Court of Appeals's decision. This decision confirms the legal standard by which the Department reviews partial ownership transactions. Under this standard, the Department and the Commonwealth of Kentucky will be able to demonstrate at trial how Dairy Farmers of America's acquisition likely increases milk prices for school children across Kentucky and Tennessee."

The Department of Justice's Antitrust Division and the Commonwealth of Kentucky's Office of the Attorney General filed a lawsuit on April 24, 2003, in U.S. District Court in London, Kentucky, challenging the partial acquisition of Southern Belle Dairy Co. LLC by Dairy Farmers of America Inc. Today's opinion reverses the District Court's grant of summary judgment to Dairy Farmers of America and Southern Belle on August 31, 2004. A trial schedule will be determined once the case is remanded to the U.S. District Court in London, Kentucky.

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